IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO: 12699 of 2005

Between:

1 S.L.R. Pratibha Model Degree College,

Tiruvuru, Krishna District,

rep by its Secretary and Correspondent,
Dr. L. Raghu, S/o. Sri Ramaiah, Aged 47 years,

Tiruvuru, Krishna District.
2 Sri Degree College, Tiruvuru,

Krishna District rep by its Secretary and Correspondent,
G. Anjaiah, S/o. Sri Raghavaiah, Aged 42 years,

Tiruvuru, Krishna District.

..... PETITIONERS

AND

1 A.P. State Council of Higher Education,

rep by its Secretary, Saifabad, Hyderabad.
2 The Government of A.P.

rep by its Principal Secretary to Government,
Higher Education Department, A.P. Secretariat, Hyderabad.
3 Nagarjuna University, Rep by its Registrar, Guntur.
4 Saraswathi Vidyapeetam Educational Society,

rep by its Secretary and Correspondent,
Sri N. Narsi Reddy, r/o. Vissannapet, Krishna District.

5 Nagarjuna Educational Society, rep by its Secretary,

Sri Vemuri Nageswara Rao,
C/o. Nagarjuna Jr. College, Tiruvuru, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondents 1 to 3 in seeking to grant permission to respondents 4 and 5 for starting Degree Colleges at Tiruvur Town despite non-availability of students and feasibility as arbitrary, illegal and pass such other order or orders, as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.S.SATYAM REDDY

Counsel for Respondent No.1: Mr. Sudesh Anand, Standing Counsel for APSCHE

Counsel for the Respondent No.2: GP FOR HIGHER EDUCATION

Counsel for Respondent No.3: Mr.T.S.Harinath, Standing Counsel for Nagarjuna University.

Counsel for Respondent Nos.4 & 5: None appeared.

The Court at the stage of admission made the following :

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ORDER:

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This writ petition is filed by the petitioner aggrieved by the proposed action of the respondents in granting permission to the new Degree Colleges.

2. According to the petitioner, the petitioner has established a Decree College in Tiruvuru, Krishna District. In addition to the petitioner's college, there are three other Degree Colleges. Even the existing colleges are not getting sufficient students to fill all the sanctioned seats, and therefore, they are running the colleges with less than 60% of the sanctioned strength. In the present circumstances, if permissions are granted to establish new Colleges, it would

worsen the situation, and the petitioner and other colleges may not be in a position to run the colleges, which are already established. Therefore, sought for a direction not to grant further permissions for establishing new colleges. The said contention is opposed by the respondents.

3. At the time of hearing, however, it is represented that in similar matter in the case of **Sri Chaitanya Degree College, Near Bus Station, Cherial, Warangal District v. State of A.P.,** in W.P.No.6218 of 2005 dated 24-03-2005, this Court directed the respondents to consider the objections filed by the existing institutions, and sought for similar orders.

4. The learned counsel appearing for the official respondents, however, contended that the applications have already been considered and the matters are at the final stage and in some cases even orders might have been passed.

5. Under the above circumstances, taking into account the orders already passed by this Court, the official respondents are directed to consider the objections of the petitioner, if no orders have already been passed with reference to the respondents 4 and 5.

6. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

16th June, 2005

Note:

Furnish C.C by tomorrow.

B/o.

SKM

To

1 The Secretary, A.P. State Council of Higher Education,

Saifabad, Hyderabad.
2 The Principal Secretary to Government,

Government of A.P.

Higher Education Department, A.P. Secretariat, Hyderabad.
3 The Registrar, Nagarjuna University, Guntur.
4 Sri N. Narsi Reddy, r/o. Vissannapet,

The Secretary and Correspondent,

Saraswathi Vidyapeetam Educational Society,

Krishna District.
5 Sri Vemuri Nageswara Rao, Secretary,
Nagarjuna Educational Society,

C/o. Nagarjuna Jr. College, Tiruvuru, Krishna District.
6 Two CCs to the G.P. for Higher Education,

High Court Buildings, High Court of A.P.,

Hyderabad.(O.U.T)

7 Two CD copies